

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**NOTICE OF DOCUMENT DISCREPANCIES**

**FILED**

2008 JUL 25 PM 1:52

TO: ☐ U. S. DISTRICT JUDGE / ☒ U. S. MAGISTRATE JUDGE  
 FROM: R. Mullin, Deputy Clerk  
 CASE NO.: 08cv0436 J (NLS) DOCUMENT FILED BY: Petitioner  
 CASE TITLE: O'Shell v. People of the State of California  
 DOCUMENT ENTITLED: Motion to Deny Application for Thirty Day...

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

RECEIVED DATE 7/24/2008 BY [Signature] DEPUTY

Upon the submission of the attached document(s), the following discrepancies are noted:

<input checked="" type="checkbox"/> Local Rule	Discrepancy
<input type="checkbox"/> 5.1	Missing time and date on motion and/or supporting documentation
<input type="checkbox"/> 5.3	Document illegible or submitted on thermal facsimile paper
<input type="checkbox"/> 5.4	<b>Document not filed electronically. Notice of Noncompliance already issued.</b>
<input type="checkbox"/> 7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
<input type="checkbox"/> 7.1 or 47.1	Lacking memorandum of points and authorities in support as a separate document
<input type="checkbox"/> 7.1 or 47.1	Briefs or memoranda exceed length restrictions
<input type="checkbox"/> 7.1	Missing table of contents
<input type="checkbox"/> 15.1	Amended pleading not complete in itself
<input type="checkbox"/> 30.1	Depositions not accepted absent a court order
<input type="checkbox"/>	Supplemental documents require court order
<input type="checkbox"/>	Default Judgment in sum certain includes calculated interest
<input checked="" type="checkbox"/> X	<b>OTHER: Motion already on file. Motion denied on 7/15/08 - see Document No. 10. This is a duplicate pleading. Please send Petitioner the attached copy of the Court's order in case he did not receive it.</b> Date forwarded: <u>7/24/2008</u> <b><u>ORDER OF THE JUDGE / MAGISTRATE JUDGE</u></b>

**IT IS HEREBY ORDERED:**

- ☐ The document is to be filed nunc pro tunc to date received.
- ☒ The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.
- Rejected document to be returned to pro se or inmate? ☒ Yes. Court Copy retained by chambers ☒

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

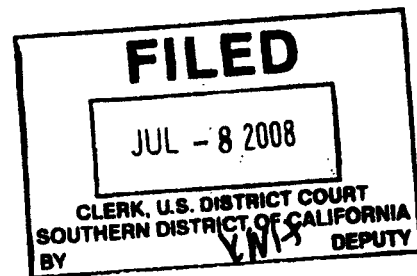
CHAMBERS OF: NITA L. STORMES  
U.S. MAGISTRATE JUDGE

Dated: 7/25/08  
 cc: All Parties

NUNC PRO TUNC

JUN 19 2008

David O'Shell, pro per  
CO-000761-7  
Coalinga State Hospital  
P.O. Box 5003  
Coalinga, California 93210



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

REJECTED

DAVID O'SHELL,  
Petitioner

v.

STEVEN MAYBERG, Warden,  
Respondent

Civil No. 08-0436 J (NLS)

MOTION TO DENY APPLICATION  
FOR THIRTY-DAY ENLARGEMENT OF  
TIME TO FILE MOTION TO  
DISMISS OR ANSWER BY DEPUTY  
ATTORNEY GENERAL, ANTHONY DA  
SILVA

Petitioner respectfully requests that this Court  
DENY the request of a thirty-day enlargement of time to  
file either a Motion to Dismiss or an Answer to the  
Petition for Writ of Habeas Corpus pursuant to 28 U.S.C.  
§2254 which Petitioner filed on April 21, 2008.

Federal Rule of Civil Procedure 6(b), states in  
part that an extension could be made "...where the  
failure to act was the result of excusable neglect."  
Petitioner argues that Deputy Attorney General, Anthony  
DaSilva being on vacation is not excusable, nor  
considered good cause.

The California State Personnel Board has published  
their Workforce Analysis Report and on the "Utilization  
Analysis Worksheet" dated March 31, 2008, declared the

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